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The Right to Exploit: Parasitism, Scarcity, Basic Income, Gijs Van Donselaar [Review]

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The Right to Exploit: Parasitism, Scarcity, Basic Income, Gijs Van Donselaar [Review]

Abstract

Reviewed work: *The Right to Exploit: Parasitism, Scarcity, Basic Income*, Gijs Van Donselaar

Van Donselaar, Gijs. *The Right to Exploit: Parasitism, Scarcity, Basic Income*. Oxford: Oxford University Press, 2009. Pp. 195. ISBN 9780195140392

explicitly is compatible with the falsity of *p*. Copp argues that this view is superior to an analogue of Finlay's view run in terms of conversational simplicature.

The pair of papers by Bar-On and Chrisman and by Copp are substantial and serious additions to the literature surrounding hybrid or related views of moral judgment. The latter, in particular, will be of interest to philosophers of language as well as metaethicists.

In addition to the two pairs of papers I've outlined above, the volume contains papers by Andrew Sepielli (on choosing under conditions of "normative uncertainty"), Pekka Väyrynen (on the explanatory and epistemological roles of "hedged moral principles"), Gilbert Harman (advocating guiltfree morality), Stephen Kearns and Daniel Star (an attempt to offer a unified theory of practical and theoretical reasons by analyzing both in terms of evidence), Jacob Ross (on cognitivism about practical reasons), Paul Bloomfield (arguing—contra Rorty, Blackburn, and Dworkin—that metaethics "is an independent discourse, with a recognizable subject matter all of its own"; 283), and Luca Ferrero (defending "constitutivism," the view that "agency is inescapable in a way that could help explain its role in grounding unconditional oughts"; 304). Overall, Russ Shafer-Landau's latest volume is a testament to the breadth, depth, and vibrancy of contemporary metaethics.

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Van Donselaar, Gijs. *The Right to Exploit: Parasitism, Scarcity, Basic Income*. Oxford: Oxford University Press, 2009. Pp. 195. \$65.00 (cloth).

Philosophical discussion of exploitation in the United States, at least for the past fifteen years, has tended to focus on exploitation that is mutually beneficial. It has focused, that is, on transactions from which both parties benefit relative to their *ex ante* positions, but which nevertheless involve one of the parties taking unfair advantage of the other. Commercial surrogacy contracts, the employment of sweatshop labor, price gouging, and payday loans, for instance, have all been thought by some to be exploitative in this sense. Writers on exploitation have, of course, recognized the possibility of harmful exploitation—transactions that are not only unfair but that set back the interests of the exploited party. But this sort of exploitation has not received much attention, partly, I suspect, because its wrongfulness has seemed obvious, and therefore philosophically uninteresting, and partly because the wrongfulness of such actions can usually be explained by reference to some other less controversial and obscure moral concept such as coercion or deception.

Gijs van Donselaar's book is about exploitation of the harmful sort. Of course, whether an interaction is harmful or mutually beneficial depends on the baseline against which we compare its results. And van Donselaar's conception of exploitation, which he refers to as "parasitism," employs a baseline of a rather unusual sort. Parasitism, according to van Donselaar, occurs when in virtue of a property rights relation between A and B, "A is worse off than she would have been had B not existed or if she would have had nothing to do with him, while B is better

off than he would have been without A, or having nothing to do with her, or vice versa" (4). As an illustrative case, van Donselaar describes the action of a certain Mr. Pickles who deliberately diverted the course of a stream that flowed through his land away from a downstream community's reservoir, with the sole purpose of forcing that community to purchase the water back from him. Superficially, the exchange of money for water is mutually beneficial. But since the community would have kept both its water and its money had Mr. Pickles never existed, while Pickles would have been poorer without the existence of the community to exploit, the exchange qualifies as parasitic on van Donselaar's account.

Van Donselaar derives his understanding of parasitism from David Gauthier's interpretation of the Lockean Proviso, and the first half of the book is devoted to a detailed examination of the Proviso as employed by Gauthier, Locke, and Nozick. For the sake of brevity, I will limit my discussion of this portion of the book to the treatment of Gauthier. Van Donselaar argues that the actual requirements of the Proviso are inconsistent with Gauthier's quasi-libertarian views on property rights and market exchange. The kind of fixed rights in external resources endorsed by libertarians endow individuals not merely with rights to use those goods for consumption or production but with the right to use them for trade. And with the right to trade comes the potential for what van Donselaar calls the "abuse of rights." Such cases arise when a party sells a right in which it has no "independent interest"—no interest, that is, other than the interest in profiting from the sale of the right. Van Donselaar finds an instance of such abuse in Ronald Coase's seminal essay on "The Problem of Social Costs." In it, Coase asks us to imagine a farmer who owns land that could grow \$10 worth of crops but only at a cost of \$11. Such land has no independent value to the farmer as farmland. But if the farmer has fixed rights in that land, including a right to be compensated for the full value of any damage done to her crops by the neighboring cattle rancher, then it could be in her interest to threaten to grow crops merely so that the rancher (anxious to avoid the prospective liability) will pay her not to. This is parasitism of precisely the sort that the Lockean Proviso should prohibit. And what it shows, according to van Donselaar, is that the only property rights in external goods consistent with the Proviso are "evanescent" ones (55). They must be evanescent because anyone who claims a right to external resources which she does not put to maximally productive use is, according to van Donselaar, a parasite. After all, if you have saleable rights in resources that could be put to better use by someone else, then you are profiting from the existence of others who have an incentive to purchase your rights from you, and others are worse off by the fact that you exist and acted more quickly than they in acquiring the resource in the first place. And since new technologies are constantly being developed, new discoveries are constantly being made, and consumer demand is constantly changing, property rights will need to be continually readjusted in order to eliminate the possibility of this form of parasitism.

The second half of the book is devoted to a discussion of the Universal Basic Income (UBI) as advocated by Philippe Van Parijs and its foundation in Ronald Dworkin's doctrine of "equality of resources." Van Donselaar rejects both doctrines, once again by appealing to the idea of parasitism. His arguments contain an incredible amount of detail, especially his discussion of the relation between envy-freeness, Pareto optimality, and nonparasitism in chapter 4, but

the ultimate conclusion is unsurprising. A UBI is parasitic because it does not discriminate between those who are poor because of bad luck and those who are poor because they are unwilling to work. It therefore allows the “Lazy” to benefit from the existence and diligence of those whose work provides the funding for the UBI, while the hard working are made worse off by the existence of Lazies whom they are obligated to support.

It is difficult to evaluate the success of van Donselaar’s project in this book, largely because it is difficult to discern exactly what that project is. Is van Donselaar making a normative argument about a principle of justice? Or is his goal more exegetical in nature? He states, early on, that the prohibition on parasitism embodied in the Lockean Proviso is “a sound principle of justice” (7), and much of the book is devoted to articulating that principle and tracing out its implications in great detail. But much of the time, it seems like van Donselaar is simply trying to assess the success or implications of others’ arguments. Chapter 2, for instance, is really more an extended critique of Gauthier than a unified argument for the author’s own position. And chapter 3 on Locke devotes a great amount of attention to issues of textual interpretation, including a concluding section on the presence or absence of commas in various editions of Locke’s second treatise.

Moreover, if van Donselaar’s project is indeed to provide an independent moral argument, it is deficient in several respects. The most significant of these is the absence of any argument at all for the status of the prohibition on parasitism as a valid principle of justice. Van Donselaar does, to be sure, provide a number of cases—including that of Mr. Pickles—where parasitism seems morally objectionable. But this is a far cry from defending the claim that parasitism as such is always morally wrong. And indeed such a claim hardly seems plausible. Many perfectly ordinary, perfectly unobjectionable instances of market exchange qualify as parasitic on van Donselaar’s understanding of the term. Suppose you and I compete for a position which you, being the more highly qualified candidate, receive. And suppose that I, failing to get the job I really want, take a job as your secretary and do a better job than anyone else would have done at it. You are better off because of my existence, but I am worse off because of yours. But surely, you have not acted wrongly at all. Or consider the vast range of cases where we believe that one person has a positive duty of justice to provide aid to another. If you are drowning in a shallow pond and I am the only passerby in a position to rescue you (albeit at the cost of ruining my expensive clothes), then you are made better off by my existence while I am made worse off by yours. But does this make you a parasite? And if so, does this mean that van Donselaar is committed to condemning as parasites all those members of society—the elderly, the infirm, the poor—who are dependent on the support of others?

Even if parasitism could be established as a *prima facie* wrong, van Donselaar’s application of his principle is marred by a tendency to equate individuals’ “independent interests” with their interests in commercial production. To borrow one of van Donselaar’s examples, suppose that “Lazy” owns two tracts of land but is interested in working only one, while “Crazy” owns two tracts of land but would like to work three. Were Lazy to sell her second tract to Crazy, she would be guilty of parasitism, according to Donselaar. This, he says, is because

Lazy had no independent interest in the land and was thus merely engaging in what van Donselaar calls “usurpation” to profit from Crazy’s desire to work more land (136). Thus, according to van Donselaar’s principles, no injustice would be done to Lazy if the land were to be forcibly seized from her and given to Crazy for more productive use. This principle, then, seems to support a system with all of a market society’s objectionable features and none of its redeeming ones. For one of the great virtues of a market system is that the wealth it generates provides people with the ability to engage in activities that are not maximally productive of commercial value. I am a much, much less efficient brewer of beer than August Anheuser Bush. But because I’m a not-so-horrible professor of philosophy, I can afford to be relatively inefficient in my brewing and allow myself to enjoy the process. My interest, however, along with Lazy’s interest in using her second tract of land for relaxation or aesthetic enjoyment, does not count for van Donselaar. Neglect of noncommercial but independent interests undermines his claim that Lazy—or, crucially, recipients of the UBI—are parasitic.

Van Donselaar himself realizes that the Lockean Proviso is problematic. He explicitly states early in the book that those “who wish to argue for solidarity with the wretched as a fundamental moral principle will need to argue that the Lockean proviso, on Gauthier’s interpretation of it, is of limited of moral significance or at least not exhaustive of all that is of moral weight” (14). Indeed, its insensitivity to the needy is not the only problem with the Lockean Proviso’s prohibition on parasitism. The elimination of parasitism, van Donselaar convincingly argues, is also incompatible with Pareto optimality, at least under certain circumstances (137). It is for this reason that van Donselaar hopes to develop an alternative principle of distributive justice that he calls the “principle of equality-based progressive satiation” or, more pithily, “Maimonides’s Rule” (171). This principle, in its original form, states that we ought to “Give an equal amount to every claimant or the full amount of his claim, whichever is smaller” (171). And it is meant to reconcile a prohibition of parasitism with Pareto optimality. It does not, however, address the problem of those whose needs, perhaps due to disability, are especially great (since under conditions of scarcity they will presumably be given only an equal share of resources and this will be insufficient to meet their need). And it does not address the kind of parasitism that van Donselaar describes as “usury,” where an individual has an independent interest in an object but sells it for a value higher than the value of that interest (136, 172). More seriously, the implications and defensibility of the principle are left quite unclear since van Donselaar devotes just a little more than three of the final pages of the book to explaining it. One cannot help but think that the book would have been greatly improved had more detail been supplied at this crucial junction, even if it came at the cost of cutting some of the earlier exegetical material.

Unfortunately, many of the criticisms I have presented in this review are not new. Much of *The Right to Exploit* derives from van Donselaar’s dissertation, circulated under the title “The Benefit of Another’s Pains” (1997, Universiteit van Amsterdam). And the arguments contained therein were subjected to scrutiny in several published pieces, especially by Karl Widerquist (see his “Who Exploits Who?” *Political Studies* 54 [2006]: 444–64). It is disappointing, then, to

find that van Donselaar has chosen not to respond to these criticisms in the present volume. He has a remarkable ability in philosophic exposition. Countless times throughout the book we are provided with a dense summary of one of Gauthier's or Van Parijs's complicated arguments only to find it followed by a single elegant sentence in which van Donselaar captures the essence of the argument. Moreover, *The Right to Exploit* is full of innovative, surprising, and enlightening arguments. One wishes, then, that his evident philosophic skill had been better employed in filling some of the book's significant gaps.

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Wolf, Susan. *The Meaning of Life and Why It Matters*.
Princeton, NJ: Princeton University Press, 2010. Pp. 160. \$24.95 (cloth).

The book comprises the two Tanner Lectures given by Susan Wolf at Princeton in 2007; helpful comments by John Koethe, Robert M. Adams, Nomy Arpaly, and Jonathan Haidt; Wolf's replies; and a brief introduction by Stephen Macedo. Wolf writes elegantly and thoughtfully, and the book, which seems to preserve in length and style its origins as two lectures, is full of sensible, suggestive ideas. The Tanner Lectures are meant to reach a nonspecialist audience, and some specialist readers may wish to have more on less, a desire likely to affect especially those who, like myself, share Wolf's basic approach to these matters.

Wolf advances what she calls the fitting fulfillment view of the meaning of life: "Meaning arises from loving objects worthy of love and engaging with them in a positive way" (8). "Essentially the idea is that a person's life can be meaningful only if she cares fairly deeply about some thing or things, only if she is gripped, excited, interested, engaged, or . . . if she loves something. Even a person who is so engaged, however, will not live a meaningful life if the objects or activities with which she is so occupied are worthless" (9). Meaning, according to Wolf, is a distinct kind of value that the meaningful life possesses. Furthermore, "what gives meaning to our lives gives us reasons to live, even when we do not care much, for our own sake, whether we live or die." And this is so even when the prospects for our own well-being are bleak. As Camus said, what is worth living for is also worth dying for (56–57), so it gives us also reasons to die.

These are the main theses of the book. Are they right? "Meaning," Wolf tells us, "comes from active engagement in projects of worth" (58). This seems on the right lines. But compare it with: "Well-being consists in success in the whole-hearted pursuit of valuable relationships and goals." (The quotation is from "The Role of Well-Being," *Philosophical Perspectives* 18 (2004): 269–94, 279, where I explore the relations of well-being and the meaning of life. It summarizes the view of well-being I have been advocating since *The Morality of Freedom* (Oxford: Oxford University Press, 1986).) Others have advocated similar views, and of course Wolf is aware of them. Ignore the success or failure of these formulations as accounts of either well-being or the meaning of life. The vital question is, what is the relationship between a life of well-being and a meaningful life? Why "vital"? Because, as Wolf, who is an attentive observer of normative phe-